



City of Annapolis

Department of Planning & Zoning

145 Gorman Street, 3rd Fl
Annapolis, MD 21401-2535

PlanZone@annapolis.gov • 410-263-7961 • Fax 410-263-1129 • TDD use MD Relay or 711 • www.annapolis.gov

Board of Appeals

May 5, 2015

The Board of Appeals of the City of Annapolis held its regularly scheduled meeting on May 5, 2015 in the City Council Chambers. **Chair** Meyers called the meeting to order at 7:10pm.

Members Present: D. Meyers-**Chair**, C. Zazzali-**Vice Chair**, R. Gallagher, V. Garcia

Staff Present: G. Elson-Board Attorney, P. Gutwald, K. Scott, C. Gudenius

C. APPROVAL OF THE AGENDA

Mr. Gallagher moved approval of the agenda as amended to move Public Hearing Item 1 to the bottom of the agenda. Ms. Garcia seconded the motion. The motion passed unanimously in a vote of 3-0. (**Vice Chair** Zazzali was not present at vote)

D. PUBLIC HEARING

2. Larose Variance, #VAR2015-013

Vice Chair Zazzali recused himself from participating on this application.

Ms. Cynthia Gudenius presented the City's review of the Larose variance request.

Mr. William Bowers, Land Surveyor, testified on behalf of the property owner.

Public testimony opened at 7:20pm and no one from the public spoke in favor or opposition of the application so **Chair** Meyers declared the public testimony closed at 7:22pm.

Chair Meyers accepted the following exhibits into the record.

| Exhibit Number | Board of Appeals Exhibit Type |
|----------------|--|
| 1 | Staff Memorandum dated April 28, 2015 with attachments |

3. Maryland R & R Limited Partnership Special Exception, #SE2015-003

Mr. Kevin Scott presented the City's review of the special exception request for a Chick-fil-A restaurant.

Mr. David Plott, Attorney, spoke on behalf of the applicant.

Mr. John Martinez, Professional Engineer, was called to testify on behalf of the applicant.

Mr. Joseph Ucciferro, Civil Engineer, was called to testify on behalf of the applicant.

Mr. Kenneth Schmid, Traffic Engineer, was called to testify on behalf of the applicant.

Mr. Shepard Tullier, Land Planner, was called to testify on behalf of the applicant.

Public testimony opened at 9:47pm and those speaking on the application are listed below.

| Name | Address | In Favor | In Opposition | Commented On |
|----------------|--------------------|----------|---------------|--------------|
| Terence Wright | 1798-A Belle Drive | X | | |

| Name | Address | In Favor | In Opposition | Commented On |
|-----------------------------|---------|----------|---------------|--------------|
| Alderdwoman Pindell-Charles | Ward 3 | X | | |

Chair Meyers accepted the following exhibits into the record.

| Exhibit Number | Board of Appeals Exhibit Type |
|----------------|--|
| 1 | Staff Memorandum dated May 26, 2015 with attachments |
| 2 | Applicant Exhibit Packet – Exhibits “1–18” (Binder) |
| 3 | Site Plan dated 4/22/15 |
| 4 | Chick-fil-A petition of 467 names |

The Board recessed at 8:06pm and reconvened at 8:16pm.

2. Hollander Appeal, #APL2015-001- Continued

Mr. Daniel Mellon, Attorney, spoke on behalf of the applicant.

Mr. Mayer, Architect was called to testify on behalf of the applicant.

Mr. Jonathan Hodgson, Attorney for Appellant, cross-examined Mr. Mayer on the specifics of his testimony.

The Board recessed at 8:40pm and reconvened at 8:42pm.

Mr. John Blake, Arborist, was called to testify on behalf of the applicant.

Mr. Edward Brown, Surveyor, was called to testify on behalf of the applicant.

Mr. Sam Nasser, Owner, was called to testify on behalf of the applicant.

Mr. Terry Schuman, Engineer, was called to provide rebuttal testimony on behalf of the appellant.

Mr. Hodgson proffered the testimony of Mr. Hollander in response to the public testimony.

Mr. Mellon and Mr. Hodgson waived the appeal requirements.

Mr. Gallagher moved to continue the application. Ms. Garcia seconded the motion. The motion passed unanimously in a vote of 3-0.

The Board recessed at 10:17pm and reconvened at 10:23pm.

Public testimony opened at 9:47pm and those speaking on the application are listed below.

| Name | Address | In Favor | In Opposition | Commented On |
|----------------|--|----------|---------------|--------------|
| Frank Crandall | 1351 Baltimore-Annapolis Blvd Arnold, 21012 | X | | |
| David Jenkins | 26 Spa View Circle | | | X |

No one else from the public spoke on the application so **Chair** Meyers declared the public testimony closed at 9:58pm.

Chair Meyers accepted the following exhibits into the record.

| Exhibit Number | City Staff Exhibits – Submitted 4/7/15 |
|-----------------------|---|
| 1 | Staff memorandum dated March 31, 2015 with attachments |
| Exhibit Type | City Staff Exhibit – Submitted 5/5/15 |
| 2 | Email of Photograph of the property to Staff |
| Exhibit Type | Appellant Exhibits – Submitted 4/7/15 |
| 1 | 24 Spa View Circle Vicinity Map dated 11/6/14 |
| 2 | Waterway and Front Yard Setbacks as indicated by Ed Brown and Terry Shuman |
| 3 | Overlay of the Positioning of Structures on each lot as calculated by Ed Brown and Terry Shuman |
| 4 | Architectural Rendering of Subject Property |
| 5 | Gregory Lines Resume |
| 6 | Set of Images Copied from Nasser Development Company website |
| 7 | Hodgson Memorandum dated 4/7/15 |
| 8 | Packet of Photographs |
| 9 | 24 Spa View Circle Bulkhead Photograph |
| Exhibit Type | Applicant Exhibits – Submitted on 4/7/15 |
| 1 | Applicant's Exhibit Packet "1" – "16" |
| 2 | Order dated 3/5/07 |
| 3 | Declaratory Judgment Order dated 10/15/2010 |
| 4 | Schwab Landscape Plan L1 |
| Exhibit Type | Applicant Exhibits – Submitted on 5/5/15 |
| 5 | Large Photograph of the Property and House |
| 6 | Small Photograph of the Property and House |
| 7 | Mr. Brown Calculations on the Site Plan |

E. APPROVAL OF MINUTES

Mr. Gallagher moved approval of the March 2, March 3, March 18, and April 7 meeting minutes as written. Ms. Garcia seconded the motion. The motion passed unanimously in a vote of 4-0.

F. SIGNING OF OPINIONS

There were none.

G. DELIBERATIONS

2. Larose Variance, #VAR2015-013

Mr. Gallagher moved to approve the variance request based on the findings of fact and staff report. Ms. Garcia seconded the motion. The motion passed unanimously in a vote of 3-0. (Zazzali recused)

2. Chick-fil-A

Mr. Gallagher moved to approve the variance request based on the findings of fact and staff report and with amendment to Condition 18. Ms. Garcia seconded the motion. The motion passed unanimously in a vote of 3-0. (Zazzali not present for vote but heard the application)

H. **ADJOURNMENT**

With there being no further business, Mr. Gallagher moved to adjourn the meeting at 10:28pm. Ms. Garcia seconded the motion. The motion passed unanimously in a vote of 3-0.

Tami Hook, Recorder